

SECOND REGULAR SESSION

SENATE BILL NO. 603

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3186S.011

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.1032, to read as follows:

162.1032. 1. For purposes of this section, the following terms shall mean:

(1) "Department", the department of elementary and secondary education;

(2) "Residency", the term as defined under section 167.020;

(3) "School district", a seven director or urban school district, except for an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants.

2. For the school year commencing July 1, 2011, and for each succeeding school year, a parent or guardian residing in a public school district may enroll his or her child in a public school in another school district in the manner provided in this section.

3. For a parent or guardian to be able to enroll his or her child in a public school in another school district, the following shall be required:

(1) The child shall be enrolled in and attending a public school located in Missouri; or

(2) The parent or guardian has registered, or is preparing to register, the child for kindergarten or first grade.

4. By January fifteenth of the preceding school year, the parent shall send notification to the school district of residence and the

22 receiving district, on an application or forms prescribed by the
23 department, that the parent or guardian intends to enroll his or her
24 child in a public school in a school district other than the school
25 district of residence. If a school district does not have sufficient
26 capacity to enroll all pupils who submit a timely application, the school
27 district shall institute an admissions process to ensure all applicants
28 an equal chance of admission, except that a school district may give
29 preference for admission to siblings of children who are already
30 enrolled in the school district under this section.

31 5. If a parent or guardian fails to send notification by January
32 fifteenth as specified in subsection 4 of this section, the parent or
33 guardian may request transfer until the third Friday in July of that
34 calendar year, on an application or forms prescribed by the
35 department, by sending notification to the school district of residence
36 and the receiving district, provided that good cause exists for the
37 failure to meet the deadline. The board of education for the receiving
38 district shall determine if good cause exists. For purposes of this
39 subsection, good cause shall mean:

40 (1) A change in a child's residence due to a change in family
41 residence, a change in the marital status of the child's parent or
42 guardian, a guardianship or custody proceeding, placement in foster
43 care, adoption, participation in a substance abuse or mental health
44 treatment program; or

45 (2) A classification of the child's resident school district as
46 unaccredited by the state board of education.

47 6. Whenever a federal court-ordered desegregation directive
48 exists for a school district, enrollment options under this section are
49 subject to the approval of the court of continuing jurisdiction. The
50 court order shall govern.

51 7. An application for open enrollment may be granted at any
52 time with the approval of the receiving district and the school district
53 of residence. If the request is granted, the board of education of the
54 receiving district shall notify the parent or guardian and the school
55 district of residence within five days. The parent or guardian may
56 withdraw the request to enroll his or her child at any time prior to the
57 start of the school year. A request for enrollment under this section
58 shall be valid for at least one year, and, once granted, shall not require

59 another application until the pupil has completed all grades available
60 in the school district.

61 8. Each school district shall adopt a policy for appropriate class
62 size and teacher-pupil ratios for all grade levels. The policy may allow
63 for a number of spaces to remain open to accommodate potential
64 additional pupils who may reside in the district. No school district
65 shall be required to admit pupils under this section if such admittance
66 would violate its target class size and teacher-pupil ratio under this
67 subsection. If a school district denies enrollment to a pupil under this
68 section, it shall state the grounds for the denial. Each school district
69 shall maintain records on:

70 (1) The number of transfers requested into and out of the
71 district;

72 (2) The number of pupils accepted into the district; and

73 (3) The number of pupils denied enrollment into the district.

74 9. If, after enrolling his or her child in the receiving district, the
75 parent or guardian is dissatisfied, he or she may return his or her child
76 to the school district of residence upon notification to both the
77 receiving district and the school district of residence. However, the
78 parent or guardian shall not be able to reenroll his or her child in the
79 receiving district at a later time. If the parent or guardian desires to
80 enroll his or her child in a school district other than the school district
81 of residence or the initial receiving district, he or she shall follow the
82 procedures identified in this section.

83 10. If a request filed under this section is for a child requiring
84 special education under sections 162.670 to 162.999, the request to
85 transfer to the other district shall only be granted if the individualized
86 education program team in the receiving district verifies that:

87 (1) The receiving district maintains a special education
88 instructional program that is appropriate to meet the child's
89 educational needs; and

90 (2) The enrollment of the child in the receiving district's
91 program would not cause the size of the class in that special education
92 instructional program to exceed the maximum class size established in
93 rules and regulations adopted by the state board of education or
94 federal guidelines for that program.

95 11. For children requiring special education, a member of the

96 individualized education program team in the school district of
97 residence shall be part of the individualized education program team
98 in the receiving district for the initial planning session or
99 sessions. The board of education of the school district of residence
100 shall pay to the receiving district the actual costs incurred in providing
101 the appropriate special education.

102 12. The statewide assessment scores of pupils who enroll in
103 another school district under this section shall be treated in the same
104 manner as the scores of resident pupils in that district.

105 13. A pupil who enrolls in another school district under this
106 section shall be counted, for state school foundation aid purposes, in
107 the pupil's school district of residence. Except for pupils residing in a
108 K-8 school district attending high school in another district under
109 section 167.131, the board of education of the school district of
110 residence shall pay to the receiving district an annual amount equal to
111 the product of the weighted average daily attendance of the school
112 district's resident pupils attending the receiving district school and the
113 state adequacy target, multiplied by the dollar value modifier for the
114 sending district, plus local tax revenues per weighted average daily
115 attendance from the incidental and teachers' funds in excess of the
116 performance levy as defined in section 163.011, plus all other state aid
117 attributable to such pupils, not exceeding the per pupil cost in the
118 sending district or receiving district, whichever is less. The district of
119 residence shall also pay to the receiving district any other federal or
120 state aid that the district receives on account of such child.

121 14. If a parent or guardian of a child who is participating in
122 open enrollment under this section moves to a different school district
123 during the course of either district's academic year, the child's first
124 school district of residence shall be responsible for payment of the
125 amount per pupil as calculated under subsection 13 of this section or
126 special education costs to the receiving district for the balance of the
127 school year in which the move occurred. The new district of residence
128 shall be responsible for the payments during subsequent years.

129 15. If a request to transfer is due to a change in family residence,
130 or where the child resides as a result of a change in a child's parents'
131 marital status, a guardianship proceeding, placement in foster care,
132 adoption, or participation in a substance abuse or mental health

133 treatment program, and the child who is the subject of the request is
134 not currently using any provision of open enrollment under this
135 section, the parent or guardian shall have the option to keep the child
136 enrolled in the child's original school district of residence with no
137 interruption in the educational program. If a parent or guardian
138 exercises this option, the child's new district of residence is not
139 required to pay the amount calculated in subsection 13 of this section
140 until the start of the first full year of enrollment of the child.

141 16. Payments shall be made to the receiving district from the
142 school district of residence for a child participating in open enrollment
143 under this section at least twice a year. If a timely payment is not
144 made, the receiving district shall be entitled to a late charge of up to
145 three percent a month on the amount overdue, not to exceed three
146 months. When a payment is more than three months past due, the
147 department, upon notice from the receiving district, shall withhold the
148 amount, including interest, from the school district of residence's state
149 school aid and send payment in full to the receiving district.

150 17. In a public school district that qualified for a small schools
151 grant under section 163.044, the addition of up to five percent average
152 daily attendance attributable to open enrollment under this section
153 shall not disqualify the district for the grant. A decrease of less than
154 five percent from the average daily attendance used to determine
155 qualification for the grant that is attributable to open enrollment shall
156 not qualify a school district for the grant.

157 18. Notwithstanding sections 167.131 and 167.241, the parent or
158 guardian shall be responsible for transporting the pupil to school under
159 this section without reimbursement. A school district may provide
160 transportation for a pupil to and from a point on an existing school bus
161 route provided that the parent or guardian transports the pupil to and
162 from such point. Nothing in this subsection shall be construed to
163 prohibit a school district from voluntarily providing such
164 transportation.

165 19. Participation in interscholastic athletics for students
166 enrolling in another school district under this section shall be governed
167 by the Missouri State High School Activities Association's requirements
168 and eligibility criteria and standards.

169 20. The state board of education shall promulgate rules and

170 regulations necessary to implement the provisions of this section. Any
171 rule or portion of a rule, as that term is defined in section 536.010, that
172 is created under the authority delegated in this section shall become
173 effective only if it complies with and is subject to all of the provisions
174 of chapter 536, and, if applicable, section 536.028. This section and
175 chapter 536, are nonseverable and if any of the powers vested with the
176 general assembly pursuant to chapter 536, to review, to delay the
177 effective date, or to disapprove and annul a rule are subsequently held
178 unconstitutional, then the grant of rulemaking authority and any rule
179 proposed or adopted after August 28, 2010, shall be invalid and void.

Unofficial ✓

Bill

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